IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 253 OF 2007

Mr. Shaikh Mohd. Hanif Chandmiya & Ors. ...Petitioners.

V/s

The Asstt. Registrar Co-operative Societies and Ors. ...Respondents.

Mr. C.J. Sawant, Senior Counsel i/b Mr. A.S. Desai & M.P. Tiwari for Petitioners.

Mr. G.S. Utangale for Respondent Nos. 1 and 2.

Mr. Y.S. Jahagirdar, Senior Counsel, with Mr. Suhas T. Gaikwad for Respondent Nos. 5 & 6.

Mr. V.M. Mhaispurkar, AGP for Respondent - State.

CORAM: S.J. VAZIFDAR, J.
DATE : 24th January, 2007

P.C.:

1. Rule. Rule returnable and heard forthwith.

2. Instead of involving the parties in protracted litigation, their interest and the interest of justice shall be protected and served by the following order:

(i) Fresh elections shall be conducted and held for the managing committee members of the Petitioner

No.7 - Society by 31st March, 2007.

(ii) The elections shall be conducted by an officer to be appointed by Divisional Joint Registrar Co-operative Societies / Respondent No.3. Respondent No.3 is requested to appoint an Officer other than Respondent No.1 only with a view to avoid any controversy and not as a reflection on Respondent No.1.

(iii) Status-quo as of today regarding the management of the Society shall remain.

(iv) Any party connected to the Society including the Respondents shall be entitled to take inspection of all the records of the Society forthwith.

(v) Time for the first inspection is fixed on 7th February, 2007 at 11.00 a.m. in the Office of the

Petitioner No.7 - Society.

(vi) The persons desiring inspection shall be entitled to take inspection either by themselves or with the assistance of their advocates or any two of their representatives.

(vii) It is made clear that no party, whether the existing managing committee members or any of the respondents shall be entitled to take any policy decision or dispose of, alienate, encumber the property in any manner whatsoever till the election process is complete.

4. Rule is made absolute accordingly.